

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **STIMULI RESPONSIVE MESOPOROUS MATERIALS FOR CONTROL OF MOLECULAR TRANSPORT**.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number
60/463030

Filing Date
April 16, 2003

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Corrie, Gregory J.	Reg. No. 36,530	Newton, Ruth H.	Reg. No. 26,657
Arora, Suneel	Reg. No. 42,267	Greaves, John N.	Reg. No. 40,362	Nielsen, Walter W.	Reg. No. 25,539
Beckman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Obermark, Thomas C.	Reg. No. 55,506
Bianchi, Timothy E.	Reg. No. 39,610	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Billion, Richard E.	Reg. No. 32,836	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. K.	Reg. No. 33,024
Black, David W.	Reg. No. 42,331	Kalis, Janal M.	Reg. No. 37,650	Peacock, Gregg A.	Reg. No. 45,001
Bohanek, Robert	Reg. No. 52,627	Klima-Silberg, Catherine I.	Reg. No. 40,052	Perdok Shonka, Monique M.	Reg. No. 42,989
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Peret, Andrew R.	Reg. No. 41,246
Chadwick, Robin A.	Reg. No. 36,477	Lacy, Rodney L.	Reg. No. 41,136	Peterson, David C.	Reg. No. 47,857
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Price, Lucinda G.	Reg. No. 42,270
Clise, Timothy B.	Reg. No. 40,957	Maki, Peter C.	Reg. No. 42,832	Prout, William F.	Reg. No. 33,995
Cochran, David R.	Reg. No. 46,632	Malen, Peter L.	Reg. No. 44,894	Schumm, Sherry W.	Reg. No. 39,422
Dahl, John M.	Reg. No. 44,639	Mates, Robert E.	Reg. No. 35,271	Schwegman, Micheal L.	Reg. No. 25,816
DeLizio, Andrew	Reg. No. 52,806	McCrackin, Ann M.	Reg. No. 42,858	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Mehrle, Joseph P.	Reg. No. 45,535	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	Morris, Nicole N.	Reg. No. 55,467	Tang, Zhengnian	Reg. No. 55,666
Forrest, Bradley A.	Reg. No. 30,837	Muller, Mark V.	Reg. No. 37,509	Tong, Viet V.	Reg. No. 45,416

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary. Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Qiang Fu**
Citizenship: **United States of America** Residence: **Albuquerque, NM**
Post Office Address: **7812 Villanueva Dr. NE**
Albuquerque, NM 87109

Signature: _____ Date: _____
Qiang Fu

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Full Name of joint inventor number 2 : **Venkata R. Goparaju**

Citizenship: **India**

Residence: **Albuquerque, NM**

Post Office Address: 10700 Academy Road NE.
#1632
Albuquerque, NM 87111

Signature: _____
Venkata R. Goparaju

Date: _____

Full Name of joint inventor number 3 : **Linnea K. Ista**

Citizenship: **United States of America**

Residence: **Albuquerque, NM**

Post Office Address: 4912 Inspiration Dr. SE
Albuquerque, NM 87108

Signature: _____
Linnea K. Ista

Date: _____

Full Name of joint inventor number 4 : **Yang Wu**

Citizenship: **China**

Residence: **Albuquerque, NM**

Post Office Address: 313 Girard Blvd. S.E.
Apt. 6
Albuquerque, NM 87106

Signature: _____
Yang Wu

Date: _____

Full Name of joint inventor number 5 : **Brett P. Andrzejewski**

Citizenship: **United States of America**

Residence: **Albuquerque, NM**

Post Office Address: 8517 Northridge
Albuquerque, NM 87111

Signature: _____
Brett P. Andrzejewski

Date: _____

Full Name of joint inventor number 6 : **Yunfeng Lu**

Citizenship: **China**

Residence: **Metairie, LA**

Post Office Address: 1111 Lake Avenue
#240
Metairie, LA 70005

Signature: _____
Yunfeng Lu

Date: _____

Full Name of joint inventor number 7 : **Larry A. Sklar**

Citizenship: **United States of America**

Residence: **Albuquerque, NM**

Post Office Address: **4000 Aspen Avenue, NE
Albuquerque, NM 87110**

Signature: _____

Larry A. Sklar

Date: _____

Full Name of joint inventor number 8 : **Timothy L. Ward**

Citizenship: **United States of America**

Residence: **Albuquerque, NM**

Post Office Address: **1301 Freeman NW
Albuquerque, NM 87107**

Signature: _____

Timothy L. Ward

Date: _____

Full Name of joint inventor number 9 : **Gabriel Lopez**

Citizenship: **United States of America**

Residence: **Albuquerque, NM**

Post Office Address: **1105 Dartmouth St. NE
Albuquerque, NM 87106**

Signature: _____

Gabriel Lopez

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.